

## **REMARKS**

Claims 1-21 remain pending in the application. Favorable reconsideration is requested in view of the following remarks.

### ***I. Independent Claims 1 and 14***

#### ***A. Overview of the Claimed Invention***

Independent claims 1 and 14 recite that the receiving end and sending end clients are **user devices**. The claimed invention improves multi-media messaging service ("MMS") performance by incorporating **content-capability evaluation** directly into the operation of a sending end client of a user that originates an MMS message. In other words, the sending end client that originates an MMS message analyzes the content capabilities of a receiving end client of a first user that is to receive the MMS message. If appropriate, the sending end client may adapt the MMS message to the content capabilities of a receiving end client, or not send a message at all. Because the content analyzing and adaptation functions are integrated into the originating sending client, the waste of resources is reduced.

In other words, the claimed invention provides a peer-to-peer messaging system between two users in which content capability determinations are performed at the sending end client. In this manner, evaluation of content capability by a centralized server is avoided. The references cited by the Examiner do not disclose or suggest such features.

#### ***B. Rejections Based On Agraharam***

Independent claim 1 again stands rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by Agraharam et al., U.S. Patent No. 6,035,339 (Agraharam). Independent claim 14 stands rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Agraharam in view of other more tertiary references. The system of Agraharam, however, does not provide peer-to-peer content capability determinations, but rather does so through a centralized server comparable to conventional systems of the prior art.

In the Response to Arguments section of the Final Office Action, the Examiner states he “has taken the position that any client terminal connected to a network may be considered as a network terminal.” Applicant submits that such an interpretation runs contrary to the term “client” in a network as understood by those skilled in the art. A client is not simply any device in the network, but a user-end device (as contrasted with a server with which the client communicates). Although Applicant understands claim terms are to be given their broadest “reasonable interpretation”, the Examiner’s interpretation is not reasonable because it conflicts with the terms receiving and sending “end client” as understood by those skilled in the art and used in the specification.

Accordingly, the system of Agraharam is not a messaging system at all between two user end client devices. Rather, Agraharam discloses a system for obtaining information from a network terminal or information service provider. As such, there is no exchange of information between two **end clients of first and second users** as recited in independent claims 1 and 14. In this vein, Agraharam identifies terminals 112 and 114 as end user terminals, but there is no exchange of any information between the end user terminals in the system of Agraharam. Accordingly, because Agraharam does not disclose a messaging system between end user clients at all, the system of Agraharam differs substantially from the claimed invention.

The Examiner again asserts the network information delivery device 110 to be a “sending end client that **originates the message.**” As stated above, one skilled in the art would not understand the delivery device 110 as being a client device at all. The network device 110 only **responds** to requests for information from an end user terminal. In addition, the device 110 retrieves requested information from an information source 108 or other remote information sources via the LEC 106. (See Agraharam at col. 4, lines 31-35.) The transmitted content, therefore, does not originate from within network device 110 as claimed.

The system of Agraharam, therefore, is comparable to prior art content-capability negotiation systems as described in the Application. In conventional systems, a network server performs a content-capability analysis by extracting user profile information from a repository or local cache. (Application at page 4, lines 3-19.)

Similarly, in the system of Agraharam the content-capability information may be extracted from a repository (database 118) or local cache (results of a program executed by the terminal 114 as obtained within the network information delivery device 110). (See, e.g., Agraharam at col. 2, col. 3, lines 34-36 and col. 4, lines 5-13.) Thus, like prior art systems, the content-capability analysis in the system of Agraharam is performed by a centralized network device, rather than at an end-user client terminal.

Accordingly, the system of Agraharam lacks several features of the claimed invention. Agraharam, therefore, does not anticipate independent claim 1, and a combination of Agraharam and the other tertiary references does not render independent claim 14 obvious. The rejections of claims 1 and 14, therefore, should be withdrawn.

### ***C. Rejections Based Lysenko***

Independent claim 1 stands rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by Lysenko et al., U.S. Patent No. 6,035,339 (Lysenko). Independent claim 14 stands rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Lysenko in view of other more tertiary references. Applicants respectfully disagree with the Examiner's analysis of Lysenko.

Lysenko discloses an Internet browsing system by which a content provider may generate a copy of content based on the browser the requesting device is utilizing. (See, e.g., Lysenko at col. 5, line 61 to col. 6, line 3; col. 10, line 58 to col. 11, line 7.) Browser synchronization, however, differs from the content-capability analysis performed by the claimed invention. Even if browser issues are alleviated, there still may be deficiencies in the audiovisual capabilities of the receiving device in terms of the capability to execute content, such as graphics or audio capabilities. In the system of Lysenko, therefore, the content provider does perform the claimed step of "evaluating the multimedia-messaging- content-capability information by the sending end client in order ***to determine what content to transmit to the receiving end client.***"

In addition, the system of Lysenko is for accessing content over the Internet from a content provider. The system of Lysenko is not a messaging system as is the claimed invention. Even as to the browser information, in the system of Lysenko there

is no "first service" that receives browser information from the receiving end client and transmits the browser information to the sending end client. Lysenko, therefore, also does not disclose or suggest any features comparable to the claimed "first service."

Accordingly, the system of Lysenko lacks several features of the claimed invention. Lysenko, therefore, does not anticipate independent claim 1, and a combination of Lysenko and the other tertiary references does not render independent claim 14 obvious. The rejections of claims 1 and 14, therefore, should be withdrawn.

## ***II. The Remaining Claims***

Claims 2-13 and 15-21 all stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious over the combination of Agraharam or Lysenko and other more tertiary references. These claims all depend from claims 1 or 14, and therefore are patentable for at least the same reasons. A review of the tertiary references reveals that they do not supply the above deficiencies of Agraharam and/or Lysenko. Accordingly, the rejection of these claims should be withdrawn.

## ***III. Conclusion***

In view of the foregoing, claims 1-21 are believed to be allowable, and the application is believed to be in condition for allowance. Accordingly, request is made for timely issuance of a notice of allowance.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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